

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF NEW YORK

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PATRINA FREEMAN,

Plaintiff,

Case No. 22-cv-6136

v.

TOWN OF IRONDEQUOIT, KIMMY ROMEO,
and JOHN PERTICONE,

**DECLARATION IN
SUPPORT OF
MOTION TO
AMEND**

Defendants.

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ARTHUR Z. SCHWARTZ, attorney for Plaintiff, under penalty of perjury, declares as follows:

1. Attached as Exhibit A is Plaintiff's proposed First Amended Complaint.

2. This complaint clarifies the pleading, addressing many of the issues raised in the Motion to Dismiss. The amended pleading, for example, makes it clear that many of the indignities visited upon plaintiff are not visited on white members of the City Council. It makes it clear that she is not just suing for herself, but also as the Chair of the Irondequoit Commission Advancing Racial Equality, whose work is being blocked by Defendants Petricone and Romeo. It also makes it clear that the defamation claim is being asserted against defendant Romeo in her personal capacity, and that, in fact, as a Section 1983 lawsuit, Defendants Romeo and Petricone, are being sued personally, not in their official capacities.

3. The Amendment does not prejudice Defendants in any way, and it will be wholly in line with FRCP 15 for the Court to grant this motion.

Dated: New York, New York
July 22, 2022

/s/ *Arthur Z. Schwartz*

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